

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 2, 2003
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Absent: None.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance.

Fire Chief Otis Cooper briefed Council on the capacity level in the Council Chambers.

Mayor Bell read resolutions memorializing Margaret Harris Cheek and Oliver Edwards, Jr.

At this time during the meeting, GBA Item #31 [Proposed FY 2003-04 Budget] was discussed.

[GENERAL BUSINESS AGENDA]

SUBJECT: PROPOSED FY 2003-04 BUDGET

To receive citizens' comments on the proposed FY 2003-04 Budget.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

The following individuals spoke in support of funding for the Durham Striders (non-city agency): Dr. Brenda Armstrong, Erin O'Connor and Robert Chapman.

Sandy Gray-Terry, of 1410 N. Mangum Street, spoke in favor of funding speed humps to go around the perimeter of Duke Park--up Mangum between Knox and Markham Avenue.

Carol Donin, representing the Duke Park Neighborhood Association, spoke in support of funding for traffic common measures due to safety concerns in the neighborhood.

Note: Further discussion was held on this item later in the meeting.

General Business Agenda Item #32--Proposed Service and Route Reductions for DATA Transit System--was discussed at this time during the meeting.

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SUBJECT: PROPOSED SERVICE AND ROUTE REDUCTIONS FOR DATA TRANSIT SYSTEM

To receive citizens' comments on the proposed service and route reductions for DATA Transit System as outlined in the proposed FY 2003-04 Budget.

Budget Director Julie Brenman outlined the latest proposal/recommendation for the DATA transit system. She noted the City is proposing to: 1) Increase fare from 75 cents to \$1 as proposed by the DATA Board; and 2) Reduce service to six days a week and mid-day from 10 am to 2 p.m. to hourly instead of every 30 minutes.

Mayor Bell opened the public hearing.

Lynda Thompson, of 915 Waring Street, spoke in opposition to reducing service on Sundays and holidays.

Gisele Bell, of 4103 Omer Lane, spoke in opposition to reducing service noting a change in services will result in great hardship and be potentially life threatening to the health and well-being of dialysis patients that utilize the local transportation system.

City Manager Conner gave an overview of proposal. She noted on last Thursday a new proposal as it relates to DATA was proposed which means no cuts in Sunday service or in holiday service, no reduction in evening service and no route reductions. In addition, she stated what the proposal leaves on the table is rush hour every 30 minutes, evening rush hour every 30 minutes and there is still a gap of \$475,000 and the City is in the process of trying to find an alternate revenue source.

Felicia McNeil, of 4149 S. Alston Avenue, urged Council to keep everything like it is.

Lillie Mae Lyons, of 506 Hope Avenue, read a petition noting the citizens of Durham, North Carolina and passengers on DATA buses totally oppose the City's proposal to cut services that should be extended. Also, she noted a fare hike should not be implemented at this time due to the slow economy.

Ann Evans, of 900 Clayton Road, spoke in opposition to reducing service on Sunday.

Chermaine McKissick-Melton, of 705 Reynolds Avenue, urged Council to approve DATA's recommendation to approve a rate increase and not a reduction in service. Also, she noted it is an unfair burden to place the balance of the budget on DATA and ACCESS users.

Nikki Harris, of 1508 W. Club Boulevard, spoke in opposition to cutting the service during mid-day hours.

Theodore Bryant, of 412 Cecil Street, noted the cuts in DATA services will cause approximately 300 individuals who work for the Durham Industries for the Blind to lose their jobs. Also, he raised a concern about the transit fund monies being spent for other things.

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A citizen of Durham expressed concern with the DATA issue noting she would rather see the fare increase and extended service and she urged Council to not cancel routes when there is only one bus line.

A citizen of Durham expressed a concern with the eliminations proposed for DATA.

A citizen of Durham noted she has been a rider of buses for 20 years and asked Council to not cut any buses especially routes 16 and 17 because these are the only buses that go out in that area.

Charles Lesley, of 311 South Guthrie, noted that Council needs to raise the price and keep the buses as they are currently.

Gloria Beamon, of 608 S. Buchanan Boulevard, asked the City Manager questions relative to the budget and bus drivers. She urged Council to reconsider cutting bus drivers out of the budget.

Mayor Bell made comments about continuing the public hearing to Thursday, June 12, 2003 at 6:30 p.m. to present the DATA proposal.

[Council recessed for 26 minutes]

Chris Tiffany, of 5010 S. Alston Avenue, spoke in opposition to reducing DATA services and expressed a concern about not receiving public notification and detailed information regarding the public hearing from DATA.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to continue the public hearing on this item to June 12, 2003 at 6:30 p.m. was approved at 9:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

At this time, further discussion was held on GBA #31 [Proposed FY 2003-04 Budget].

SUBJECT: PROPOSED FY 2003-04 BUDGET

To receive citizens' comments on the proposed FY 2003-04 Budget.

Fia Grunwald, of 2410 Park Place, spoke in support of funding for Schoolhouse of Wonder noting it will help children to love and take care of their environment.

Kaitlin Friedman, of 2802 Friendship Circle, urged Council to keep the Parks & Recreation funding as it is and to reconsider their recommendation that the Schoolhouse of Wonder receive money from non-city agency grant program.

Steve Cameron, representing Schoolhouse of Wonder, encouraged Council to support the Schoolhouse of Wonder program.

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Jessica Bunnel, representing Schoolhouse of Wonder, urged Council to revisit the proposed budget and allocate \$36,000 for non-city agency program.

Marjorie _____, spoke in opposition to cutting DATA and ACCESS services.

Mildred Carlton, of 3501 Fisher Heights, asked for rehabilitative funding for her home and expressed drainage problems in the community.

The following individuals urged Council to not reduce the longevity pay: Bambi Wilson, Andy Miller, Suzanne Miller, Dennis Ritchie, Kelly McAlexander, Bill Towner, Jim Reardon and Sue Yagel.

Arnold Dennis, of 311 Rippling Stream Road, spoke in support of funding for the Rites of Passage youth program.

The following individuals spoke in support of funding for DURHAM CAN. They asked Council to approve \$50,000 for a needs assessment and strategic plan for a Job Training System, to hire 2 housing code inspectors & 2 support staff (at least one bilingual) and 2 housing code/lead inspectors (at least one bilingual) and to fund after-school activities maintained at the current number of children: Rev. Michael Walrond, LaMonica Coleman, Mike Broadway, Susan Gill and Yesenia Polanco.

MOTION by Council Member Best seconded by Mayor Pro Tempore Cheek to extend the meeting beyond 10:00 p.m. was approved at 10:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Rev. Mary Grigolia, representing Durham CAN, presented Council with a petition for a safer, stronger, better Durham signed by 2,200 citizens.

Rev. Cornelius Battle, representing Durham CAN, spoke in support of their agenda.

Cheryl Sweeney, of 206 W. Club Boulevard, urged Council to make funds available to clean up weedy lots/trash by hiring additional housing inspectors out of the general fund.

Rev. Jimmie Hawkins, representing Project Graduation, urged Council to reinstate \$9,600 for this non-city agency.

Dan Milam, of 4900 American Drive, expressed concern about non-profits being cut out of the budget and urged Council to support funding for Project Graduation.

Richard Mullinax, of 921 N. Mangum Street, requested that no money be spent this tight budget year for traffic calming.

Mark Trustin, of 4312 Cornwallis Road, spoke in support of funding for non-city agency Project Graduation.

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Diane Wright, of 210 Cherry Grove Street, spoke in support of Campaign for Decent Housing's proposal for Council to fund 12 housing inspectors to keep the neighborhood safe and prevent lead poisoning from children.

Steve Hopkins, representing Campaign for Decent Housing, requested funding for housing inspectors in the department of Housing & Community Development.

Lorisa Seibel, representing Durham Affordable Housing Coalition, spoke in support for 12 housing inspectors and made comments about the vacant house survey and the Asheville and Greensboro housing program relative to rental homes [provided handouts].

Jack Preiss, representing Substandard Housing Committee, urged Council to not utilize CDBG funds to pay inspectors' salaries at the cost of reduced capital improvements and to hire additional housing inspectors from the general fund in the same manner as existing housing inspectors.

Mike Shifflett asked Council to support employees and citizens of Durham by investing in them and not outside consultants. Also, he thanked Council for allocating funds for a neighborhood college.

Shirley Price, of 123 Holly Hock Court, urged Council not to reduce the longevity benefit for City employees.

Gloria King, representing Lincoln Hospital School of Nursing Alumni, asked Council for financial support for the Historical Monument project for Lincoln Hospital. [handout provided - \$43,800].

Warren Herndon, representing Rites of Passage, spoke in support of funding for this youth program.

Larry Hester, of 3526 Abercromby, spoke in support of funding youth programs.

Denise Hester, of 3526 Abercromby Drive, addressed inequality in funding neighborhood needs in the City.

Joyce Nichols, of 2014 Athens Drive, requested Council to support funding for the Birchwood Community and to look into the monies given last year to the John Avery Boys and Girls Club that Birchwood did not receive.

Pastor Fredrick Davis, of Calvary Ministries, Inc., spoke in support of youth initiatives and services. Also, he noted if a tax increase will service human needs then Council should be ready to make that decision.

Steven Matherly, representing Durham People's Alliance, urged Council to not balance the budget on the backs of poor people.

Lavonia Allison, representing DCABP, spoke in support of funding youth programs.

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Nathanette Mayo, Durham City Workers' Union, spoke in support of City employees urging Council to remember the work being done to make the City run.

Tom Miller, of Watts-Hospital Hillandale Neighborhood Association, asked Council to fund the first phase of the West Club Boulevard traffic-calming plan.

Victoria Peterson asked Council to set aside \$2 million to develop youth programs to help individuals going in and out of the jail.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to receive citizens' comments on the proposed FY 2003-04 Budget was approved at 11:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

At this time during the meeting, the Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner requested that "An Ordinance Scheduling the July 24, 2003 Work Session Meeting" be added to the agenda. There were no priority items from the City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items #27 [Monthly Crime Report] and #38 [James M. DeVone, Sr.] were pulled from the Consent Agenda.

Council Member Best noted that he would be voting no against Consent Agenda Item #24 [Commercial Loan Program Criteria].

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES – CITY CLERK'S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council Minutes of April 21, 2003 - Regular Meeting and April 28, 2003 – Special Meeting was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to re-appoint Corinne A. Mabry to the Durham Planning Commission to represent District 4 with term expiring June 30, 2006 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM BOARD OF ADJUSTMENT - APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to re-appoint Mary A. Brogden; James W. Edney, III as regular members and appoint Jeff Furman as an alternate member to the Durham Board of Adjustment with terms expiring June 30, 2006 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: HUMAN RELATIONS COMMISSION - APPOINTMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to re-appoint Jeffrey M. Elliot - Non Minority Member (Male) with term expiring June 30, 2006 and to appoint Mickey Brown - Non Minority Member (Male) with term expiring June 30, 2005 to the Human Relations Commission was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: RECREATION ADVISORY COMMITTEE - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for a citizen to fill one (1) vacancy with term expiring August 8, 2003 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM PLANNING COMMISSION - RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications to fill one (1) vacancy for District 6 with term expiring June 30, 2006 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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**SUBJECT: ACCOUNTS PAYABLES/WIRE TRANSFERS COMPLIANCE
AUDIT**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept the Accounts Payables/Wire Transfers Compliance Audit dated April 2003 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DUKE POWER COMPANY FRANCHISE EXTENSION

To adopt an ordinance extending for one year the existing franchise with Duke Power Company to provide electric service within the City of Durham.

Note: This item was moved to the June 5, 2003 Work Session.

**SUBJECT: AMENDMENT NO. 1 TO AGREEMENT BETWEEN CHATHAM
COUNTY AND CITY OF DURHAM ESTABLISHING
CONDITIONS FOR THE PURCHASE OF WATER**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute Amendment No. 1 to Agreement Between Chatham County and City of Durham Establishing Conditions for the Purchase of Water was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CONTRACTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the following list of contracts; and

To authorize the City Manager to make changes to contracts on the following list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Dept	CT Amount
NFE Technologies	Storage Tank, private well assessment, asbestos testing Barnes Ave & Taylor St	PFM	\$ 4,125.00

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Complete Lawn Care	Clean Lots	Housing	\$ 5,000.00
K&C Enterprises	Clean Lots	Housing	\$ 5,000.00
Ellington & Son	Demolition 2309 Long ST	Housing	\$ 1,500.00
Spherion	CT Amendment Extending expiration date	Human Res	na
BellSouth DBA Cingular Wireless	Lease Amendment-Adding 350 SF to land lease at SouthDurham Wastewater Facility	PFM	na
XDM Ltd	Stormwater Maintenance & Facility Permit Agreement	PW	na
Crossman Communities of NC	Stormwater Maintenance & Facility Permit Agreement	PW	na
Rufus Glaspie	Official	P&R	\$ 800.00
James Hawley	Official	P&R	\$ 800.00
Raymond Alston	Official	P&R	\$ 500.00
Ricardo Granillo	Summer Concert	P&R	\$ 500.00
Nathaniel McLaughlin	Official	P&R	\$ 500.00
Fredrick Adams	Official	P&R	\$ 1,000.00
Rick Mallory	Official	P&R	\$ 1,000.00
Donn Aikins	Official	P&R	\$ 1,000.00
Zachary Lamb	Official	P&R	\$ 2,300.00
Lawrence Burns	Dance Instructor	P&R	\$ 168.00
Marc Lee	Summer Concert Emcee	P&R	\$ 500.00
James Hester	Facility Management for Rentals	P&R	\$ 1,000.00
Mac Merritt	Facility Management for Rentals	P&R	\$ 1,000.00
Edwin Dennis	Tennis Instructor	P&R	\$ 1,000.00
Brynda Saunders	Computer Instructor	P&R	\$ 3,200.00
Joseph White	Official	P&R	\$ 600.00
Robert Mitchell	Official	P&R	\$ 600.00
Alice McClary	Summer Concert	P&R	\$ 600.00
Paul Conroy	Official	P&R	\$ 600.00
Roy Ector	Official	P&R	\$ 600.00
Tarik Harley	Official	P&R	\$ 600.00
Athan Marshall	Official	P&R	\$ 600.00
Dennis Edwards	Official	P&R	\$ 500.00
Raybar Productions	Summer Concert	P&R	\$ 650.00
Brandon Hartwick	PIC Training for Camp staff	P&R	\$ 250.00

**SUBJECT: BUDGET AMENDMENT FOR APPEARANCE COMMISSION
AWARDS DONATIONS**

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance amending the 2002-03 City of Durham Budget Ordinance, the same being ordinance #12575 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance # 12801

SUBJECT: RESOLUTION AUTHORIZING MAYOR TO SIGN NATIONAL REGISTER NOMINATION STATEMENT FOR VENABLE TOBACCO COMPANY PRIZERY AND RECEIVING ROOM

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the Mayor to sign a statement regarding the nomination of the Venable Tobacco Company Prizery and Receiving Room to the National Register of Historic Places was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #9004

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR SOUTHPOINT SUBDIVISION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan and preliminary plat for "Southpoint Subdivision", submitted by John R. McAdams Company, Inc. on behalf of Rivermist Partners, LLC, for 108 single-family lots on a +/-65.49 acre site zoned PDR 1.65 and F/J-B. The property is located east of Farrington Road, south of I-40, north of Stagecoach Road. Tax reference 499-01-02, 02A and 04, PIN 0708-04-61-2677, 0708-04-60-5840 and 0707-02-69-7454. City Atlas Page 48, Block C-2, C-3, D-2 and D-3 was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STOP SIGNS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to authorize the installation of stop signs at the following locations was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Forest Creek Road at Archdale Drive, west intersection, southeast corner (Hope Valley Farms);

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- b) Forest Creek Road at Archdale Drive, east intersection, southeast corner (Hope Valley Farms);
- c) Goldflower Drive at Scott King Road, northwest corner (Lyon Farm);
- d) Lacebark Lane at Goldflower Drive, northeast corner (Lyon Farm);
- e) Silver Pine Court at Goldflower Drive, southwest corner (Lyon Farm);
- f) Silk Tree Lane at Silver Pine Court, southwest corner (Lyon Farm);
- g) Lacebark Lane at Goldflower Drive, southeast corner (Lyon Farm);
- h) Goldflower Drive at Lyon Farm Drive, southwest corner (Lyon Farm);
- i) Littleleaf Lane at Lacebark Lane, northeast corner (Lyon Farm);
- j) Littleleaf Lane at Lyon Farm Drive, southwest corner (Lyon Farm);
- k) Silverbell Court at Lyon Tree Drive, northeast corner (Lyon Farm);
- l) Lyon Farm Drive at Lyon Tree Drive, southwest corner (Lyon Farm);
- m) Lyon Tree Drive at Scott King Road, northwest corner (Lyon Farm); and
- n) Academia Court at Chancellor's Ridge Drive, southeast corner (Chancellor's Ridge).

Ordinance # 12802

SUBJECT: ON-STREET PARKING ORDINANCES – FOSTER STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt ordinances was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- 1) To repeal ordinance #2321, adopted November 16, 1964, prohibiting parking on the east side of Foster Street in the area beginning at a point 150 feet south of the south curb line of Trinity Avenue, if extended, and extending for a distance of 120 feet southward, and
- 2) To prohibit parking on the east side of Foster Street in the area beginning at a point 370 feet north of the north curb line of Geer Street, if extended, and extending northward to the south curb line of Trinity Avenue, and
- 3) To establish a loading and unloading zone on the east side of Foster Street in the area beginning at a point 185 feet north of the north curb line of Geer Street, if extended, and extending for a distance of 185 feet northward between the hours of 7:00 a.m. to 9:00 a.m. and 3:00 p.m. to 4:00 p.m. on school days only.

Ordinance # s 12803 – 12804 - 12805

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT REDUCTION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a 25 mph speed limit on the following street segments was

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approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- a) Robinwood Road from Orindo Drive to Belgreen Road;
- b) Farthing Street from Murray Avenue to Club Boulevard; and
- c) Constitution Drive from American Drive to McKinley Street.

Ordinance #12806

**SUBJECT: STREET ACCEPTANCE - ORCHARD LAKE - PHASE I,
OAKHURST SUBDIVISION, HUNTINGTON RIDGE - PHASE I
AND WATKINS PARK**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept certain streets in Orchard Lake - Phase I, Oakhurst Subdivision, Huntington Ridge - Phase I and Watkins Park, as listed, for maintenance by the City of Durham was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Orchard Lake – Phase I

1. Orchard Oriole Lane – from the east curb line of Cook Road east to the end of Phase I construction @ STA 18+86(866’); and
2. Kingfisher Way – from the centerline of Orchard Oriole Lane south thru the cul-de-sac (289’); and
3. Kinglet Court – from the centerline of Orchard Oriole Lane east thru the cul-de-sac (207’); and
4. Grosbeak Lane – from the centerline of Orchard Oriole Lane north thru the cul-de-sac (390’).

Oakhurst Subdivision

1. Sydenham Road – from the east curb line of Herndon Road east then north thru the cul-de-sac (663’); and
2. Martry Road – from the east curb line of Herndon Road east to the centerline of Leapale Lane (373’); and
2. Leapale Lane – from the centerline of Cheselden Drive south thru the cul-de-sac (86’); and
3. Leapale Lane – from the centerline of Cheselden Drive north past Martry Road thru the cul-de-sac (738’); and
4. Cheselden Drive – from the centerline of Leapale Lane west thru the cul-de-sac (204’); and
5. Cheselden Drive – from the centerline of Leapale Lane east to the end of construction @ STA 13+49.16 (324’).

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Huntington Ridge – Phase I

1. Caribou Crossing – from the west curb line of Fayetteville Road west to the end of Phase I construction @ STA 20+28.28 (1,808’); and
2. Panther Run Drive – from the centerline of Caribou Crossing west to the end of Phase I construction @ STA 12+19.08(219’); and
3. Bobcat Court – from the centerline of Caribou Crossing south thru the cul-de-sac (251’).

Watkins Park

1. Five Oaks Drive Extension – from the north ditch line of Old Chapel Hill Road north to the end of construction @ STA 18+88.98(869’).

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH ELRY HOLLOWAY - FOUNTAIN STREET

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a Water & Sewer Extension Agreement with Elry Holloway to serve Fountain Street was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: SEWER EXTENSION AGREEMENT WITH CURTIS BEATTY – COOK ROAD

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a Sewer Extension Agreement with Curtis Beatty to serve Cook Road was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CREDIT CARD USE POLICIES AND PROCEDURES

To receive a report on the City’s Credit Card Use Policies and Procedures.

Note: A presentation was received at the May 22, 2003 Work Session.

SUBJECT: ANNUAL INSURANCE PLAN FY 2004

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to maintain the general plan of insurance to the extent possible within proposed funding, making modifications in coverage and retentions that are consistent with the City's overall financial objectives, and

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To make additional purchases for special events and to purchase builder's risk insurance as needed was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: PHYSICIAN SERVICES - RESEARCH TRIANGLE
 OCCUPATIONAL HEALTH SERVICES, PA**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with Research Triangle Occupational Health Services, PA, for a period of one year effective July 1, 2003, at a cost not to exceed \$184,900, with optional annual renewal for two additional one year periods with cost increases not to exceed CPI for each of the optional years, and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: NCDOT MUNICIPAL AGREEMENT FOR THE WIDENING OF I-
 85 FROM WEST OF BROAD STREET TO EAST OF COLE MILL
 ROAD (PROJECT I-0306C)**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the City Manager to execute a Municipal Agreement with the N. C. Department of Transportation for Project I-0306C was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution # 9005

SUBJECT: COMMERCIAL LOAN PROGRAM CRITERIA

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve program criteria for commercial loan programs to be undertaken by the Department of Economic and Employment Development was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Council Member Best. Absent: None.

**SUBJECT: USE OF VARIABLE TO FIXED RATE SWAP TRANSACTION –
 AMERICAN TOBACCO PROJECT**

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To accept a report on the proposed use of a variable to fixed rate swap for the American Tobacco Project certificates of participation.

Note: This item was moved to the June 5, 2003 Work Session.

SUBJECT: WEED AND SEED PROJECT

To receive a presentation on the Weed and Seed Project.

Note: A presentation was received at the May 22, 2003 Work Session.

SUBJECT: USA BASEBALL

To receive a presentation on USA Baseball.

Note: A presentation was received at the May 22, 2003 Work Session.

SUBJECT: BILL JOHNSON

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Bill Johnson on the crisis in fire apparatus was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: BOB DRAKE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Bob Drake on the price increase of water for Irrigation was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ROB GERWEROD

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Rob Gerwerod on the price increase of water for irrigation was approved at 11:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

June 2, 2003

SUBJECT: EDMONDS COMMUNITY DEVELOPMENT GROUP – HAL HARRIS

To hear comments from Hal Harris on a proposed elderly housing development that can be funded via a Federal Government Program.

Note: This citizen was not present at the May 22, 2003 Work Session.

SUBJECT: RESOLUTION APPROVING THE EAST GARAGE PARKING MANAGEMENT AGREEMENT AND THE DIAMOND VIEW I LEASE AMENDMENT FOR THE AMERICAN TOBACCO PROJECT

To adopt a “Resolution Approving the East Garage Parking Management Agreement and the Diamond View I Lease Amendment for the American Tobacco Project”.

Note: This item was approved at the May 22, 2003 Work Session with a vote of 6/0 – Resolution #9003.

SUBJECT: CONTRACTS (ROCHELLE CONSTRUCTION)

To authorize the City Manager to execute the contracts listed below; and

To authorize the City Manager to make changes to the contracts before execution so as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts.

Rochelle Construction (Emergency Repair 306 Dunston - \$3,930.00)
Rochelle Construction (Emergency Repair 403 Gray Avenue - \$4,999.00)
Rochelle Construction (Emergency Repair 1115 N. Guthrie - \$3,700.00)

Note: This item was approved at the May 22, 2003 Work Session with a vote of 7/0.

SUBJECT: REPEAL OF EMPLOYMENT AND PUBLIC ACCOMMODATIONS ORDINANCE

To adopt an ordinance repealing Chapter 8.6 of the Durham City Code, Captioned “Employment and Public Accommodations.”

Note: This item was referred back to the Administration.

SUBJECT: SMALL BUSINESS AND TECHNOLOGY DEVELOPMENT CENTER (SBTDC) REVISED CONTRACT - UNIVERSITY OF NORTH CAROLINA-CHAPEL HILL

June 2, 2003

To authorize the City Manager to execute a contract in the amount of \$32,000 between the City of Durham and the Small Business and Technology Development Center through the University of North Carolina-Chapel Hill.

Note: This item was approved at the May 22, 2003 Work Session with a vote of 7/0.

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: MONTHLY CRIME REPORT

Victoria Peterson noted this is an incomplete report from the Police Department. She requested a complete report and an account of where the monies are going that are coming back from the courts to Durham.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to receive the monthly Crime Report from the Police Department was approved at 11:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: JAMES M. DEVONE, SR.

To receive comments from James M. DeVone, Sr. on the return of his property and compensatory damage payment.

Rev. James M. DeVone, of 1827 Nixon Street, raised a concern with the City removing his vehicles from his property that were not on the street. He urged Council to return his vehicles [3 Mercedes] and requested equitable and just payment for the pain and suffering which he has endured.

LaVonnia Allison, representing DCABP, urged Council to investigate this matter.

Mayor Pro Tempore Cheek made a motion to approve the item as printed on the agenda.

Council Member Stith made a friendly amendment to refer this matter to the administration to investigate the details of Mr. DeVone's concerns. Friendly amendment was accepted.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from James M. DeVone, Sr. on the return of his property and compensatory damage payment and to refer this matter to the administration to investigate the details of Mr. DeVone's concerns was approved at 11:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

June 2, 2003

[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]

SUBJECT: SEWER MAIN ON MARYWOOD DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 773-5-9 TO PARK PLACE AND PARK PLACE FROM MARYWOOD DRIVE TO END OF CUL-DE-SAC – MINI ASSESSMENT ROLL (*CONTINUED FROM APRIL 21, 2003*)

To receive public comment; and

To find that the property of John A. and Jan S. Hallenborg, identified as Tax Map 773-5-11, 9 Park Place, has benefited from the sewer main improvement and to confirm the assessment in the original amount of \$3,410.32.

Lee Murphy, of the Public Works Department, informed Council that Mr. Hallenborg was present tonight but had to leave and requested that the public hearing be continued without further advertising to the August 4, 2003 City Council Meeting.

Mayor Bell opened the public hearing.

MOTION by Council Member Clement seconded by Council Member Best to continue the public hearing on this item without further advertising to the August 4, 2003 City Council Meeting was approved at 11:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING IMPROVEMENT UNDER ENABLING ACT AUTHORITY - GUTTER AND PAVING AND WATER AND SEWER LATERALS ON HUNT STREET FROM FOSTER STREET

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments; and

To adopt a resolution ordering Curb, Gutter and Paving and Water and Sewer Laterals on Hunt Street from Foster Street to Morris Street was approved at 11:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

June 2, 2003

**SUBJECT: LAND USE PLAN AMENDMENT - BARBEE CHAPEL
TOWNHOMES (A02-17) – DAVID DANIEL – BARBEE CHAPEL
ROAD, NORTH OF DOWNING CREEK PARKWAY**

To hold a public hearing on Plan Amendment (A02-17 - Barbee Chapel Townhomes);
and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of
the NC 54/I-40 Corridor Study from High Density Residential to Medium Density
Residential.

Planning Department Recommendations: Approval

Planning Commission Recommendations: Approval (11-0).

City/County Planning Director Frank Duke briefed Council on the plan amendment.

Mayor Bell opened the public hearing. There being no one to speak in support or against
this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive
citizens' comments on Plan Amendment (A02-17 - Barbee Chapel Townhomes); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of
the NC 54/I-40 Corridor Study from High Density Residential to Medium Density
Residential was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor
Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and
Stith. Noes: None. Absent: None.

Resolution #9006

**SUBJECT: LAND USE PLAN AMENDMENT - CENTERPOINT AT LUMLEY
ROAD (A03-02) – THE JOHN R. MCADAMS COMPANY, INC. C/O
BOB ZUMWALT – SOUTH SIDE OF LUMLEY ROAD OPPOSITE
AZALEA AVENUE**

To hold a public hearing on Plan Amendment (A03-02 - Centerpoint at Lumley Road);
and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of
the Southeast Durham Plan from Office to Low Density Residential.

Planning Department Recommendations: Approval

Planning Commission Recommendations: Approval (10-4)

City/County Planning Director Frank Duke briefed Council on the plan amendment.

Mayor Bell opened the public hearing.

June 2, 2003

Patrick Byker, representing the applicant, spoke in support of this item.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on Plan Amendment (A03-02 - Centerpoint at Lumley Road); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Southeast Durham Plan from Office to Low Density Residential was approved at 11:33 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #9007

SUBJECT: LAND USE PLAN AMENDMENT - O'BRIEN PROPERTY ON NC 54 (A03-03) – MICHAEL DUKE O'BRIEN – NORTH SIDE OF NC 54, 500 FEET WEST OF HOPE VALLEY ROAD

To hold a public hearing on Plan Amendment (A03-03 - O'Brien Property on NC 54); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the NC 54/I-40 Corridor Study from Office to Commercial.

Planning Department Recommendations: Denial

Planning Commission Recommendations: Denial (13-1)

City/County Planning Director Frank Duke briefed Council on the plan amendment noting the administration is recommending denial based on its inconsistency with the NC54/I-40 Corridor Study. Also, he noted the Planning Commission denied this request.

Mayor Bell opened the public hearing. There being no one to speak in support or against this item, the Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on plan amendment (A03-03 - O'Brien Property on NC 54); and

To deny the land use plan amendment for O'Brien Property on NC 54 (A03-03) was approved at 11:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: LAND USE PLAN AMENDMENT - STRAWBERRY FIELDS TOWNHOUSES (A03-04) – WILLWOOD, LLC C/O SEAR-BROWN

June 2, 2003

**– STEPHEN BALLENTINE – SOUTH EAST INTERSECTION OF
ROXBORO ROAD AND HOPE VALLEY ROAD**

To hold a public hearing on Plan Amendment (A03-04 - Strawberry Fields Townhouses);
and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of
the Southwest Durham Plan and the NC 54/I-40 Corridor Study from Low Density
Residential to Medium Density Residential.

Planning Department Recommendations: Approval
Planning Commission made no recommendation due to tie vote (7-7)

City/County Planning Director Frank Duke briefed Council on the plan amendment. He
noted the Planning Commission took three votes on this item and according to their by-
laws they have made no recommendation due to a tie vote.

Jack Markham, representing the applicant, spoke in support of plan amendment
commenting on the development of adjoining properties. He urged Council to amend the
Southwest Durham Plan and the NC 54/I-40 Corridor Study to allow for medium density.

Jim Bramlett, representing Chownings Place HOA, spoke in opposition to this item citing
traffic concerns. He urged Council to reject the plan amendment and not impose this type
of development on Hope Valley Road.

J. P. Lawrence, of 9 Duke Gloucester Circle, spoke in opposition to this plan noting
proposal is inconsistent with the designation of low density on the western section of this
property. He urged Council to affirm decision by the Planning & Zoning Committee to
not change the NC 54/I-40 Corridor Study.

LaVonnia Allison, representing DCABP, spoke in opposition to the plan amendment
urging Council to look at density, school and traffic issues.

Mayor Pro Tempore Cheek noted he could support the plan amendment; however, 44
units and 258 additional trips are too many and if this matter comes up at the rezoning
these issues should to be taken into consideration.

For clarification, Council Member Stith asked the administration what are the
characteristics that made this site plan different from the one proposed last year.

City/County Planning Director Frank Duke noted that staff recommended approval of
this item a year ago and at that point the Planning Commission recommended denial and
the Planning Commission hearing the case this time did not make a recommendation. He
noted the proposal is consistent with the policies and the development around this
property is medium and high density and low-density development across Hope Valley
Road.

Mayor Bell expressed traffic and density concerns.

June 2, 2003

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on Plan Amendment (A03-04 - Strawberry Fields Townhouses); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Southwest Durham Plan and the NC 54/I-40 Corridor Study from Low Density Residential to Medium Density Residential was approved at 11:55 p.m. by the following vote: Ayes: Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: Mayor Bell and Council Member Edwards. Absent: None.

Resolution #9008

SUBJECT: UPDATE OF SOLID WASTE MANAGEMENT PLAN

Solid Waste Director David McCary made brief comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support or in opposition to this item, the Mayor declared the public hearing closed.

MOTION by Council Member Stith seconded by Council Member Clement to receive public comments on the 2003 Update to the Ten Year Comprehensive Solid Waste Management Plan, and

To adopt a resolution in support of the plan, and

To authorize the City Manager to modify the plan before final submission to the State on June 30, 2003 as long as any changes are consistent with the intent of the plan approved by City Council was approved at 11:56 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #9009

SUBJECT: BARNES AVENUE REDEVELOPMENT PLAN

Dwight Yarborough made comments on this item.

Mayor Bell opened the public hearing. There being no one to speak in support or in opposition to this item, the Mayor declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Stith to receive citizens' comments on the Barnes Avenue Redevelopment Plan; and

June 2, 2003

To authorize the City Manager to receive the recommendations of the Durham City/County Planning Commission and to adopt the proposed Barnes Avenue Redevelopment Plan was approved at 11:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden, Edwards and Stith. Noes: Council Member Best. Absent: None.

[ITEM ADDED TO AGENDA]

SUBJECT: CITY COUNCIL WORK SESSION MEETING FOR JULY 24, 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an “Ordinance Scheduling the July 24, 2003 Work Session Meeting” was approved at 11:58 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12807

There being no further business to come before the City Council, the meeting was adjourned at 11:58 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk